



County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Sweetwater Place

RECORD ID: PDS2014-GPA-14-003, PDS2014-REZ-14-003, PDS2014-TM-5588,
PDS2014-STP-14-015

ENVIRONMENTAL LOG NO.: PDS2014-ER-14-19-005

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study – Environmental Checklist Form
- b. Technical Studies and Reports as referenced

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

- 1) The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

- 2) Only natural gas fireplaces shall be installed in the proposed residences, which will be a requirement of the building permit, will mitigate the projects substantial contribution to an existing or projected air quality violation.
- 3) In order to reduce exhaust emissions, the project shall be required to ensure all non-road, diesel engine construction equipment complies with United States Environmental Protection Agency –Certified Tier 2 emission standards and include best available control technology devices certified by the California Air Resources Board which will mitigate the projects impacts on sensitive receptors.
- 4) The applicant shall purchase habitat credit, or provide for the conservation of habitat of 0.68 acre of wetland mitigation credits, located within the Rancho Jamul Mitigation Bank or other approved bank within the MSCP as indicated below.
 - a) **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 - i) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - ii) If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - iii) To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - iv) An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
 - b) **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:
 - i) The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PCC] before purchase or entering into any agreement for purchase.
 - ii) A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 - iii) An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 - iv) The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 - v) In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource

management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

- 5) There shall be no brushing, clearing and/or grading such that none will be allowed within 500 feet of nesting raptor habitat or within 300 feet of migratory bird nesting habitat during the breeding season of raptors and migratory birds. The breeding season is defined as occurring between January 15th and August 31st. The Director of PDS may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no nesting raptors or migratory birds are present in the vicinity of the brushing, clearing or grading.
- 6) The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:
 - a) A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
 - b) A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Wildlife for all project related disturbances of any streambed.
- 7) A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:
 - a) The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
 - b) The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
 - c) The cost of the monitoring shall be added to the grading bonds or bonded separately.
 - d) A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:
 - i) DPR Primary and Archaeological Site forms.
 - ii) Daily Monitoring Logs
 - e) Evidence that the disposition of all cultural materials has been completed which may include but is not limited to the following:
 - i) Prehistoric archaeological materials collected during the grading monitoring program shall be submitted and curated at a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to

other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

- ii) Historic materials shall be curated at a San Diego curation facility, as identified above and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- iii) If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

8) A County Approved Principal Investigator (PI) known as the "Project Paleontologist," shall be contracted to perform paleontological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The paleontological monitoring program shall include the following:

- a) Monitoring of excavation operations to discover unearthed fossil remains, generally involving monitoring of ongoing excavation activities (e.g., sheet grading pads, cutting slopes and roadways, basement and foundation excavations, and trenching). A Paleontological Resources Monitor must have at least one year of experience in field identification and collection of fossil materials.
- b) Salvaging of unearthed fossil remains, typically involving simple excavation of the exposed specimens, but possibly also plaster-jacketing of individual large and/or fragile specimens, or more elaborate quarry excavation of richly fossiliferous deposits.
- c) Recording of stratigraphic, geologic and geographic data to provide a context for the recovered fossil remains, including accurate plotting (mapping) on grading plans and standard topographic maps of all fossil localities, description of lithologies of fossil-bearing strata, measurement and description of the overall stratigraphic section (unless considered by the project paleontologist to be infeasible), and photographic documentation of the geologic setting.
- d) Laboratory preparation (cleaning and repair) of collected fossil remains to the point of identification (not exhibition), generally involving removal of enclosing sedimentary rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens.
- e) Curating of prepared fossil remains, typically involving scientific identification and cataloguing of specimens; and entry of data into one or more accredited institutional (museum or university) collection (specimen/species lot and/or locality) databases. Curation is necessary so that the specimens are available for scientific research.
- f) Transferal, for archival storage, of cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections and photographs to an accredited institution (museum or university) in California that maintains paleontological collections, preferably:
 - i) San Diego Natural History Museum
 - ii) Los Angeles County Museum
 - iii) San Bernardino Museum of Natural History

- iv) University of California Museum of Paleontology, Berkeley
 - v) Anza-Borrego Desert State Park (if the fossils were salvaged in the desert).
 - g) Preparation of a final report summarizing the results of the field investigation, laboratory methods, stratigraphic information, types and importance of collected fossils, and any necessary graphics to document the stratigraphy and precise fossil collecting localities.
- 9) As determined in the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, A Report shall be submitted to determine the extent of any soil contamination at the reported soil sample locations detailed in the Revised Limited Phase II Environmental Soil Residue Assessment, July 2015, Petra GeoSciences INC. The ESA and any potential work plan shall be prepared and implemented pursuant to the DEH SAM Manual.
- a) Enrollment in the DEH Voluntary Assistance Program (VAP) is required to review and approve the Revised Phase II ESA report.
 - b) For the contaminated soil, a full assessment and remediation shall be completed under supervision of the VAP or LOP as required. All required grading work shall comply with the County of San Diego Grading Ordinance 87.101 et seq. If a grading permit is required for the remediation work, it shall be issued for the remediation work only.
- 10) A California Licensed Environmental Consultant company shall prepare a Soil Management Plan (SMP), for the remediation of hazardous materials as identified above. The plan shall be prepared and implemented pursuant to the DEH SAM Manual under direction from the DEH SAM:
- a) Enrollment in the DEH, Voluntary Assistance Program (VAP) is required. All soil remediation shall be completed under supervision of the SAM/VAP.
 - b) All above ground (AST) and underground storage tanks (UST) shall be removed under permit from DEH if contamination is discovered from a AST or UST, then compliance enrollment in the DEH, LOP is required.
 - c) All required grading work shall comply with the County of San Diego Grading Ordinance 87.101 et. al. If a grading permit is required for the remediation work, it shall be issued for the remediation work only.
 - d) If the Director of PDS determines the remediation work will take an enormous amount of time that would be detrimental to ultimate project implementation, approval of other engineering plans and/or issuance of other project permits may be permitted as long as there is no risk of effects to public health and safety. Concurrence from the DEH is required, and the applicant shall enter into a secured agreement for the completion of the remediation work.
- 11) A signed, stamped addendum to the Revised Limited Phase II ESA shall be prepared by a Registered Engineer or Professional Geologist. The addendum shall include the following information or as modified by DEH:
- a) Documentation that the soil sampling occurred between six inches and six feet (depending on the type of contamination) in depth.
 - b) Findings which identify whether onsite soils in this location exceed regulatory screening levels for pesticides, fertilizers, petroleum, heavy metals, or other contaminants.
 - c) If contaminated soils are detected, provide a letter from DEH stating that a VAP work plan has been prepared and approved to remediate contaminated soils.
 - d) If contaminated soils are detected, provide a copy of the contract and a signed sealed statement from the Registered Engineer or Professional Geologist, which states that

they will implement the VAP work plan. Grading required to implement the site remediation activities is permitted.

- 12) Grant to the County of San Diego a Right of Entry (ROE) to allow ongoing access to the remediation for contaminated soils on a DEH case number (to be determined), located at 2657 Sweetwater Springs Boulevard, Spring Valley, per the current agreement between the DEH and Sweetwater Spring Tentative Map (PDS2014-TM-5588). Upon completion of remediation activities, the ROE Agreement will become null and void.
- 13) All soil remediation shall be completed, and all contamination hazards removed pursuant to the Department of Environmental Health (DEH), Voluntary Assistance Program (VAP) or the DEH, Local Oversight Program (LOP) as determined.
- 14) The following noise design and noise attenuation measures shall be implemented and constructed pursuant to the approved Landscape Plans:
 - a) Sound barriers shall be installed, located facing and screening Jamacha Boulevard. Additionally, the noise walls would have a return design, running north and south, further extending the ends of the sound walls (please see Figure 2-C and Section 2.4 for a conceptual sound wall design and layout within the Noise Report prepared by LDN Consulting dated March 25, 2015) and as referenced within the Landscape Plan. The sound wall would be located on top of slope at the rear yards of the units.
 - b) Any proposed alternative methods, or the reduction and/or addition of the noise barrier(s) maybe approved if Noise Element conformance can be demonstrated while no new impacts are a result of the updated noise barrier design.
- 15) A Noise Restriction Easement shall include the entire property and shall comply with the following:
 - a) Prior to the approval of any Building Plan and issuance of any Building Permit, a County Approved Acoustical Consultant, shall perform an acoustical analysis, which demonstrates that the proposed residential dwelling units would not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the General Plan community noise equivalent levels (CNEL) of 45 dB for interior noise, and a (CNEL) of 65 dB for exterior noise levels. Exterior noise sensitive land uses include all Group or Private Usable Open Space as defined by the General Plan Noise Element (Table N-1 & N-2).
 - i) Future traffic noise level estimates, must utilize a Level of Service "C" traffic flow for Jamacha Boulevard and Sweetwater Springs Boulevard which is its designated General Plan Mobility Element buildout roadway classification.
 - ii) The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures (interior noise levels) and project site (exterior noise levels) can comply with the noise standards referenced above.
 - iii) The unauthorized removal of documented noise control measures at a future date after the initial installation of noise control measures and satisfaction of this mitigation, must be rectified before any future building permits can be approved and issued; affected noise sensitive land uses are subject to this building restriction regardless of unauthorized removal of documented noise control measures

- 16) Prior to the approval of any Building Plan and issuance of any Building Permit, the applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [PDS, BD] for review and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional noise control measures necessary to meet the requirements of this mitigation.
 - a) Any proposed alternative methods, or the reduction and/or addition of the noise barrier(s) maybe approved if Noise Element conformance can be demonstrated while no new impacts are a result of the updated noise barrier design.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- 1) **Sweetwater Authority.** The applicant shall provide evidence they complied with Sweetwater Authority Resolution 84-8, as amended, to the satisfaction of the Sweetwater Authority.
- 2) **Jamacha Blvd (SR 54),** along the project frontage, in accordance with Public Road Standards for a Major Road (4.1.A) with painted median, and bike lane, to a graded width of fifty-six feet (56') from centerline and to an improved width of forty-five feet (45') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk. Face of curb at forty-five feet (45') from centerline. Provide taper transitions to meet existing improvements. Provide sandblasting and slurry seal where existing road striping will be removed.
- 3) **Jamacha Blvd (SR 54) and Folex Way's intersection,** improve the following:
 - a) Install a north leg of the existing traffic signal intersection.
 - b) Construct an eastbound left-turn lane into the project's access road, Street A on Jamacha Blvd.
 - c) Restripe the northbound left turn lane to a shared thru/left-turn lane.
- 4) **Sweetwater Springs Blvd (SA 970),** along the project frontage, in accordance with Public Road Standards for a Major Road (4.1.A) with raised median, and bike lane, to a graded width of fifty-five feet (55') from centerline and to an improved width of forty-five feet (45') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk. Face of curb at forty-five feet (45') from centerline. Provide taper transitions to meet existing improvements. All of the above shall be to the satisfaction of the Director of PDS.
- 5) **Street "A"** in accordance with Public Road Standards to a graded width of sixty feet (60') [thirty feet (30') from centerline] and to an improved width of forty feet (40') [twenty feet (20')]

from centerline] with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, attached sidewalk, with face of curb at twenty feet (20') from centerline. Furthermore, improve the following:

- a) Onsite, install a sign for right-in and right-out movements only.
 - b) Construct a median on Sweetwater Springs Blvd (SA 970) that would prohibit outbound left-turn movements.
 - c) Construct a southbound left-turn lane into Street "A" on Sweetwater Springs Blvd.
 - d) All of the above shall be to the satisfaction of the Director of PDS.
- 6) **Street "A"** shall terminate with a cul-de-sac graded to a radius of forty-eight feet (48') and surfaced to a radius of thirty-eight feet (38') with asphalt concrete pavement over approved base with Portland cement concrete curb gutter and sidewalk with face of curb at thirty-eight feet (38') from the radius point to the satisfaction of the San Miguel Fire Protection District and San Diego County Fire Authority.
- a) Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.
- 7) All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. The applicant shall complete the following:
- a) Process and obtain approval of Improvement Plans to improve Jamacha Blvd, Sweetwater Springs Blvd, and Street "A".
 - b) Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.408](#)
 - c) Upon approval of the plans, pay all applicable inspection fees.
- 8) If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- 9) Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the San Miguel Fire Protection District.
- a) The securities and improvement agreements shall be approved by the Director of PDS.
- 10) Relinquish access rights onto **Sweetwater Springs Blvd (SA 970)** along the project frontage except for one access opening as shown on the approved Tentative Map.
- 11) Relinquish access rights onto **Jamacha Blvd (SR 54)** along the project frontage except for one access opening as shown on the approved Tentative Map.

- 12) The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.
- 13) In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified.
- a) A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____ feet of unobstructed intersectional sight distance in both directions along **Jamacha Blvd** from the project access in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of 650 as described in Table 5 based on a speed of 60 which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
 - b) A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____ feet of unobstructed intersectional sight distance in both directions along **Sweetwater Springs Blvd** from Street "A" in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of 450 as described in Table 5 based on a speed of 45 which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
 - c) If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- 14) In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities.
- a) All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface.
 - b) The applicant shall sign a statement that they are aware of the County of San Diego Pavement Cut Policy and submit it to the [PDS, LDR] for review.
 - c) Prior to the approval improvement plans and the approval of the map the letters shall be submitted for approval.
- 15) In order to promote orderly development and to comply with the Community Master Trails Plan, the applicant shall improve the trail along Jamacha Boulevard to the public park,

consistent with the conceptual plans, as part of the Park Site Plan described in the requirements for PLDO-Compliance-Dedication of Public Park Lands described below.

- a) The trail shall be improved to the satisfaction of the Department of Parks and Recreation. The trail/pathway shall be constructed pursuant to the Community Trails Master Plan Design and Construction Guidelines and the Park Site Plan described in the PLDO-Compliance-Dedication of Public Park Lands requirements.
- b) The applicant shall prepare improvement plans and provide securities for the construction of the trail in accordance with the PLDO requirements below.
- c) Prior to the approval of the first Final Map and prior to approval of any grading permits, the applicant shall improve the trail/pathway or the trails plan, associated agreements and securities shall be approved.

16) In order to promote orderly development and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.10096, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed.

17) All the onsite private storm drain systems shall be maintained by a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of PDS.

- a) Establish a maintenance agreement / mechanism (to include easements) to assure maintenance of the Category 2 post-construction best management practices (BMP's). Provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of PDS.
- b) Prior to the approval of the Final Map, execution of the agreements and securities shall be completed.

18) In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10096](#) and all other applicable ordinances and standards for this priority project.

- a) The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Management Plan (SWMP) and Stormwater Protection Plan (SWPP) including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipaters, and silt control measure.

19) An agreement and instrument of credit shall be provided pursuant to [Subdivision Ordinance 81.408](#), for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the [County of San Diego Grading Ordinance Section 87.304\(e\)](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

- a) An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw

any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed.

20) The applicant shall provide the letter of agreement and any additional security and or cash deposit to the [PDS, LDR] for approval with the final submittal of all grading and improvement plans for the subdivision and required improvements as indicated above.

- a) Prior to the approval of the subdivision map, the agreement and securities shall be executed.
- b) The [PDS, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of this condition to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. The [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforcement the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

ORDINANCE COMPLIANCE NOTIFICATIONS: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

- 1) **STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and [County Watershed Protection Ordinance \(WPO\) No.10096, County Code Section 67.801 et. seq.](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.
- 2) **LOW IMPACT DEVELOPMENT NOTICE:** On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):
 - a) http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.
 - b) <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>.

- c) The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.
- 3) **GRADING PERMIT REQUIRED:** A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of [Section 87.201 of the County Code](#).
- 4) **CONSTRUCTION PERMIT REQUIRED:** A Construction Permit is required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3284, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.
- 5) **ENCROACHMENT PERMIT REQUIRED:** An Encroachment Permit is required from the Department of Public Works for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.
- 6) In order to comply with the County of San Diego Park Lands Dedication Ordinance (PLDO) Section 810.105(a) and in order to receive PLDO credit, the public park shall be fully developed and a final Park Site Plan approved.
 - a) Prior to recordation of the first Final Map, obtain approval of a final Park Site Plan (that includes construction documents and/or grading and/or improvement plans) that conforms to the concept park plan in the Conceptual Landscape Plan for Tentative Map PDS2014-TM-5588 dated July 9, 2015 and Site Plan PDS2014-STP-14-015 dated July 9, 2015, and park design and construction standards as specified by DPR.

AND

- b) The park site improvements identified in the final approved Park Site Plan shall be constructed, and fee title to public park site conveyed to the County by grant deed free of encumbrances, as evidenced by an Environmental Site Assessment and a California Land Title Association Policy provided by the applicant and approved by the Director of DPR. The applicant may satisfy the preceding requirement by entering into an agreement with the County, prior to recordation of the first Final Map, to construct the park site improvements and convey fee title to the 2.08 acre public park in the manner specified in the agreement. This agreement shall be accompanied by security sufficient to cover the cost of all improvements per the approved Park Site Plan and in the form and amount specified by the DPR Director to ensure the applicant's performance of the terms of the agreement.
- 7) The applicant shall complete the following:

- a) Process and obtain approval from the Director of Parks and Recreation of a final Park Site Plan [as mentioned above].
 - b) Submit Environmental Site Assessment and California Land Title Association Policy for approval by Director of Parks and Recreation prior to conveyance of public park fee title.
 - c) Convey fee title by Grant Deed of public park site that has been constructed in accordance with the Final Park Site Plan and is free of encumbrances.
 - d) Enter into a Secured Agreement with the County that ensures construction of park site and conveyance of public park fee title in the manner specified above prior to recordation of first Final Map.
 - e) Prior to the approval of the first Final Map and prior to approval of any grading permits.
- 8) Establish a Community Facilities District (CFD) or other funding mechanism approved by the DPR to fully fund the operation and maintenance of the 2.08 acre Public Park.
- a) The CFD or other funding mechanism shall have the capacity to generate enough revenue to fund the annual operation and maintenance of the 2.08 acre Public Park as determined by the DPR. In addition to the tax on developed parcels, this CFD or other funding mechanism shall include an “undeveloped land tax” which will allow revenue to be generated on all undeveloped parcels/lots within the CFD.
 - b) Prior to recordation of a Final Map and prior to approval of any grading permits.
- 9) In order to provide adequate Landscaping that complies with the [County of San Diego's Water Efficient Landscape Design Manual](#) and the County's Water Conservation in Landscaping Ordinance, and to meet the requirements of the B Designator, a Landscape Plan shall be prepared for the residential portion of the project. The Landscape Plan is not intended to include private building envelope areas or the dedicated public park. The park lot will have a separate Park Site Plan as described under PLDO Compliance, Dedication of Public Park Lands.
- a) The Landscape Documentation Package shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer and include the following information:
 - b) Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall obtain an Application to Plant, Remove or Trim Shrubs or Trees in County Road Right-of-Way and an Application to Encroach Upon County Highway from the Land Development Permit Counter approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit shall be submitted to PDS prior to final approval.
 - c) A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used, which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
 - d) A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.

- e) The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
 - f) Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
 - g) The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
 - h) No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
 - i) Additionally, the following items shall be addressed as part of the Landscape Plan: Please be aware that recent revisions to the ET Adjustment Factor have been made by the State that affect the Maximum Applied Water Allowance formula within the Water Efficient Landscape Worksheet. Effective June 1, 2015, the ETAF will now be 0.55 instead of 0.7, and Special Landscape Areas will now be 0.45 instead of 0.3. The new formula shall be: $MAWA = (ETo) (0.62) \{ (0.55 \times LA) + (0.45 \times SLA) \}$.
 - j) Please also be aware that the California Department of Water Resources is currently updating their Model Water Efficient Landscape Ordinance with new regulations to become effective on November 1, 2015. The County will be required to update their Water Conservation in Landscape Ordinance to be at least as effective as the States. Sweetwater Village will be required to adhere to the most current version of the Landscape Ordinance at time of final approval of their Landscape Documentation Package.
 - k) No invasive or fire prone vegetation shall be planted or allowed to establish itself within the storm water basins.
- 10) The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), submit them to the [PDS, PCC], and pay all applicable review fees.
- a) Prior to the approval of the map for subdivision and prior to the approval of any plan and issuance of any permit, the Landscape Plans shall be prepared and approved.
- 11) The project shall comply with the following temporary construction noise control measures:
- a) Turn off equipment when not in use.
 - b) Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
 - c) Use equipment with effective mufflers
 - d) Minimize the use of back up alarm.
 - e) Equipment staging areas should be placed at locations away from noise sensitive receivers.
- 12) The project shall comply with the following Air Quality measures:

- a) Two applications of water will be applied during grading between dozer/scrapper passes, as necessary. Additional watering or acceptable non-toxic SDAPCD dust control agents will be applied during dry weather or windy days until dust emissions are not visible.
 - b) Dirt storage piles will be enclosed, covered, watered three times daily, if necessary, or stabilized by chemical binders, tarps, fencing or other non-toxic erosion control according to manufacturers' specification.
 - c) A 15-mile per hour (mph) speed limit will be enforced on unpaved surfaces.
 - d) On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.
 - e) Haul trucks hauling dirt, sand, soil, or other loose materials will be covered or two feet of freeboard will be maintained.
 - f) When active construction ceases on the site, disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the County and/or SDAPCD to reduce dust generation.
 - g) All unpaved areas on the project site where maintenance activities would occur (e.g., around PV systems) will be dust controlled through the use of a permeable soil-binding agent that shall be biodegradable, eco-safe, and contain liquid copolymers that stabilize and solidify soils or aggregates and facilitate dust suppression
 - h) After completion of grading, all internal unpaved roadways as well as the fire access road shall be covered with a permeable rock material consisting of either decomposed granite or gravel. If desired, the access roads may be paved, chip sealed, or chemically stabilized.
 - i) Sweepers or water trucks will be used to remove "track-out" at any point of public street access.
 - j) Grading will be suspended if winds exceed 25 mph or if visible dust plumes emanate from a site; disturbed areas will be stabilized if construction is delayed.
- 13) In accordance with the SDAPCD Rule 55 - Fugitive Dust Control, no dust and/or dirt will leave the property line. The following measures would be implemented to ensure the requirements of this rule are met:
- a) Airborne Dust Beyond the Property Line: No person will engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.
 - b) Track-out/Carry-out: Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out will be minimized by the use of any of the following erosion control measures:
 - c) Track-out grates or gravel beds at each egress point
 - d) Wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and for outbound transport trucks
 - e) Secured tarps or cargo covering, watering, or treating of transported material
 - f) Removed at the conclusion of each work day when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only particulate matter smaller than 10 microns in diameter (PM10)-efficient street sweepers certified to meet the most current South Coast Air Quality Management District (SCAQMD) Rule 1186 requirements will be used. The

use of blowers for removal of track-out/carry-out will be prohibited under any circumstances.

g) These actions shall occur throughout the duration of the construction activities.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

San Diego County Board of Supervisors

on Hearing Date

David Sibbet, Planning Manager
Project Planning Division

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